

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KIM LASSITER-WADDELL

vs.

J.C. PENNEY COMPANY, INC. AND J.C.
PENNEY

CIVIL ACTION NO.:

KIM LASSITER-WADDELL

vs.

J.C. PENNEY COMPANY, INC. AND J.C.
PENNEY

COURT OF COMMON PLEAS
Philadelphia County

MAY TERM, 2002
No. 0914

REMOVAL PETITION

TO: THE HONORABLE JUDGES OF THE DISTRICT COURT FOR
EASTERN DISTRICT OF PENNSYLVANIA

As removing party, J.C. Penney Company, Inc. d/b/a J.C. Penney, files this Notice of Removal of the above-captioned matter from the Court of Common Pleas, Philadelphia County, the Court in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendant, avers as follows:

1. This action was commenced by way of Complaint filed in the Court of Common Pleas, Philadelphia County on or about May 10, 2002, and docketed as May Term, 2002, No. 0914. (A true and correct copy of plaintiff's Complaint is attached hereto and marked as Exhibit "A").
2. This notice is timely, having been filed within thirty (30) days of plaintiff's filing of the Complaint.

3. At the time this action was commenced and continuing to the present, defendant, J.C. Penney Company, Inc. d/b/a J.C. Penney, is a corporation organized under the laws of the State of Delaware and having its principal place of business in Plano, Texas.

4. Based upon the allegations in the Complaint, at the time this action was commenced and continuing to the present, plaintiff, Kim Lassiter-Waddel, was a citizen of the State of New Jersey.

5. Moving defendant, believes and therefore avers that the amount in controversy, based upon the allegations in the Complaint, will exceed the jurisdictional amounts required for jurisdiction to exist in District Court exclusive of interest and costs.

6. This action is removable from State Court to this Court based upon diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441(a).

7. This Court has full and exclusive jurisdiction over this case which involve the aforementioned federal acts. Wherefore, moving defendant, J.C. Penney Company, Inc. d/b/a J.C. Penney, respectfully requests that the above-captioned action be removed from the Court of Common Pleas, Philadelphia County to the District Court for the Eastern District of Pennsylvania.

MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS

BY: _____
LAWRENCE S. SAROWITZ, ESQUIRE
Attorney for Defendant(s):
J.C. PENNEY COMPANY, INC. d/b/a J.C.
PENNEY
1528 Walnut St., 22nd Flr.
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(215) 735-7200/ MSZ&L File No.: 3700.0056

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vs.

J.C. PENNEY COMPANY, INC. AND J.C.
PENNEY

CIVIL ACTION NO.:

**CERTIFICATE OF SERVICE OF
NOTICE OF FILING of NOTICE OF REMOVAL**

I hereby certify that on May 23, 2002, I served a true and correct copy of the foregoing Notice of Removal on the following named counsel as well as in the Office of the Prothonotary, Court of Common Pleas, City Hall, Broad & Market Streets, Philadelphia, PA 19107, by first class mail, postage prepaid:

Robert F. Kuhn, Esquire
DASHEVSKY, HORWITZ, DISANDRO, KUHN, DEMPSEY AND NO
1315 Walnut Street, 12th Street
Philadelphia, PA 19107

MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS

BY: _____
LAWRENCE S. SAROWITZ, ESQUIRE
Attorney for Defendant(s):
J.C. PENNEY COMPANY, INC. d/b/a J.C.
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